

REMARKS

Claims 1-14, all the claims pending in the application, stand rejected. Applicant has not amended any of the claims as Applicant respectfully submits that they are patentable over the prior art.

Drawings

The Examiner objects to the drawings under 37 C.F.R. § 1.83(a) because they must show every feature of the invention specified in the claims. The Examiner repeats the basis for his objection in the prior Office Action. The Examiner requires a proposed drawing correction in reply to the Office Action.

In response to the previous objection, Applicant proposed the submission of Fig. 12a, which is substantially the same as the subject matter illustrated in Fig. 12. In that regard, Applicant illustrated a self propelled member 70 that is operative to travel over a traveling field 90. The self propelled member 70 has a skirt 84, which is provided around a circumferential portion of the lower face of the self-propelled member 70, so that it may travel over the traveling field 90 on an air bearing surface. Applicant illustrated the compressor 120 below the platen 72 so that air is caused to flow upwards through apertures in the platen. The Examiner considers at least the placement of the compressor 120 to be new matter.

However, such rejection is proper only if the illustration in Fig. 12a is not supported by the original disclosure, including the claims. The existence of a clear teaching of the illustrated subject matter would permit the rejection to be overcome. First, it should be noted that the disclosure of Fig. 12 expressly teaches that the self-propelled member 70 is levitated minutely from the playing field. The disclosure also teaches that there is a need for some contrivance to accomplish this goal, such as bringing a brush provided in a lower portion of the self-propelled member into slidable contact with the traveling field 90. Second, the specification also teaches at page 21 that a power supply mechanism may be provided on a lower face of the racing track, and that current collectors may be formed on the self-propelled member which I brought into slidable contact with the lower face. Clearly, the description contemplates power being provided by a mechanism under the field 90.

Third, immediately following the foregoing description, at page 22, a hydraulic example is given. With respect to the example, it is expressly stated that:

“For example nozzles from air is blown towards a bottom face of the self-propelled member may be formed on the traveling field to form an air bearing layer between the bottom face and the traveling field to support the self-propelled member thereon.

In this configuration, the self-propelled member is supported by an air bearing constituted of a thin air layer. The self-propelled layer travels over the traveling field while slightly being supported and levitated by the air layer. Consequently, traveling resistance of the self-propelled member is diminished. The self-propelled member can travel freely by small traveling and driving force originated from the player motor.

Here it is preferable that skirt member 84 is formed on a peripheral portion of the bottom face of the self-propelled member.

In this configuration, the skirt member 84 effectively captures an air flow blown from the nozzles formed on the traveling field 90. Hence, the self-propelled member 70 can be slightly levitated from the surface of the traveling field 90 by a relatively weak air flow from the nozzles.

Given the description of the hydraulic embodiment, following the description of Fig. 12, one of ordinary skill would clearly understand the schematic representation of the invention as shown in Fig. 12a. One of ordinary skill would not consider the illustration in Fig. 12a as introducing new matter. Thus, Applicants respectfully submit that the placement of the air power source, i.e., compressor 120, is supported by the original disclosure as understood by one of ordinary skill in the art.

Applicant believes that the Examiner's primary concern is that the compressor 120 is shown to be below the platen 72. Thus, Applicants will change Fig. 12a so that the compressor is removed and that the air flow arrows are left with the air illustrated as flowing through the openings or nozzles in platen 72.

Claim Rejections - 35 U.S.C. § 103

Claims 1, 3-4, 10-12 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa '490 in view of Sutoki JP '944. This rejection is traversed for at least the following reasons.

The Examiner has basically repeated the text of his rejection of the above referenced claims as presented in the Office Action dated May 29, 2003.

In response to the previous rejection, Applicant noted in the Amendment filed on August 28, 2003 that the miniature member 7 does not have (1) front and rear wheels as claimed, particularly front wheels on casters, or (2) a second magnet in a position forward of the front wheels, as claimed. The corresponding disclosure in the specification teaches that the use of front caster wheels 103 on the miniature member 101 and the magnet 102 at the front side of the caster wheels for having the member run on track 100. Applicant argued that Nakagawa et al has a vehicle 7 with wheels that have no casters and have magnets 701, 702 disposed at the center of the vehicle. Applicant also noted there is no first or second yoke on the movable member 8 that serves as a linear motor since Nakagawa et al uses only a conventional motor.

Front Wheel Limitation

In reply, the Examiner states that he "interprets the magnetic unit 18 is an equivalent function" to the claimed magnet provided in a front side of the caster wheels while being magnetically coupled with the first magnet as recited in claims 1 and 14." This statement is wholly inconsistent with applicable law. Patentability is defined by all of the limitations in the claim, and the Examiner has not identified in the prior art the same structure as claimed. The claim is expressly clear as to what is being recited with regard to the caster-based front wheels. The limitation is clearly supported by the teachings in the specification. There is no principle in patent law that permits the Examiner to ignore structural limitations and broadly state that functions are equivalent, in concluding that a claim limitation is obvious.

Magnetic Unit Limitation

The Examiner also interprets the magnetic unit 18 to be a functionally equivalent to a second magnet pivotable about a pivot center as recited in claim 10. This also cannot be

supported under the law. In this case, the Examiner is using the same structure for multiple different arrangements. The claim calls for first and second magnets, and cannot be met by a single magnet structure.

As already explained in the previous Amendment, Sutoki fails to provide any teaching with respect to (1) a racing game, (2) miniature member structures or (3) a self-propelled member. Further, there is no teaching of how the disclosed platen dot in a linear motor structure may be applied to a game environment. Thus, nothing in Sutoki would lead one of ordinary skill in the art to adapt its structure to a game environment.

More importantly, there is nothing in either reference that would teach or suggest the adaptation of the Sutoki structure to a game that's in Nakagawa et al. The Examiner has pointed to no reason for substituting platen dots for control wires 11 as disclosed in Nakagawa. The Examiner's only comment in this regard is that the suggestion to combine can be found in the Abstract wherein a three-phase motor, which facilitates smooth movements in x and y directions respectively without producing ripples. This is wholly inadequate in that it does not teach how such planar linear motor would be substituted for the game environment of Nakagawa. The Examiner is clearly using hindsight in the absence of any substantial teaching to attempt to provide a substitution of one clearly distinct technology for another in Nakagawa.

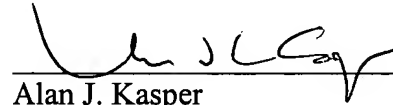
On the basis of the foregoing arguments, Applicant respectfully traverses the rejection and requests its allowance on the basis of clear differences from the prior art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.116
10/015,563

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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